

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHELLE B.,

Plaintiff,

v.

Case No. 2:23-cv-4222

Judge Edmund A. Sargus, Jr.

Magistrate Judge Peter B. Silvain, Jr.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

This matter is before the Court on the January 24, 2025 Report and Recommendation issued by the Magistrate Judge, recommending that the Commissioner of the Social Security Administration’s non-disability finding be vacated and no finding be made as to whether Plaintiff was under a “disability” within the meaning of the Social Security Act. (ECF No. 12.) The Commissioner timely objected on January 29, 2025. (ECF No. 13.) Plaintiff filed a response on February 12, 2025. (ECF No. 14.)

If a party objects within the allotted time to a report and recommendation, the Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

The Court has analyzed the record and concludes that the issues raised in Commissioner’s Objection were considered and correctly addressed by the Magistrate Judge. (See ECF No. 12.)

Accordingly, the Court **OVERRULES** the Objection (ECF No. 13) and **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 12). For the reasons set forth in it, the Commissioner's non-disability finding is **VACATED** and this matter is **REMANDED** to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendation. The Clerk is **DIRECTED** to enter judgment and terminate this case from the docket of the United States District Court for the Southern District of Ohio.

IT IS SO ORDERED.

3/23/2025

DATE

s/ Edmund A. Sargus, Jr.

EDMUND A. SARGUS, JR.

UNITED STATES DISTRICT JUDGE